

Washington, Wednesday, February 1, 1939

The President

EXECUTIVE ORDER

AUTHORIZING INITIAL APPOINTMENTS TO CERTAIN POSITIONS IN THE AIR SAFETY BOARD, CIVIL AERONAUTICS AUTHORITY, WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SEC-OND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that, subject to the establishment before the Civil Service Commission of the requisite qualifications in each case, initial appointments to each of the following-named positions under the Air Safety Board, Civil Aeronautics Authority, may be effected without compliance with the competitive requirements of the Civil Service Rules:

Executive Officer Technical Adviser

Chief of Investigation Division

Chief of Examiners' Section

Chief of Investigation Section

Chief of Technical Section

Chief of Information and Publications Division

Chief of Liaison Section

Chief of Information and Statistical Section

This order is recommended by the Chairman of the Air Safety Board, Civil Aeronautics Authority.

Franklin D Roosevelt

THE WHITE HOUSE,

January 30, 1939.

[No. 8042]

[F. R. Doc. 39-359; Filed, January 31, 1939; 11:14 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT FARM CREDIT ADMINISTRATION

[FCA 120]

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF COOPERATIVE BANK COMMIS-SIONER AND DEPUTY COOPERATIVE BANK COMMISSIONERS

JANUARY 30, 1939.

Sec. 3.50 of Title 6, Code of Federal Regulations, is amended to read as follows:

"Sec. 3.50 Functions, powers, authority, and duties of Cooperative Bank Commissioner and Deputy Cooperative Bank Commissioners. The Cooperative Bank Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Arministration, execute and perform all functions, powers, authority, and duties pertaining to the administration of the provisions of law relative to the Central Bank for Cooperatives and the banks for cooperatives.

"J. E. Wells, Jr., Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner and J. D. Lawrence, Deputy Cooperative Bank Commissioner, are both unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause.

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Washington, D. C.

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"J. D. Lawrence, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner and J. E. Wells, Jr., Deputy Cooperative Bank Commissioner, are both unavailable to act, by reason of absence from the Washington offices of the Farm Credit Administration, or for any other cause. (E. O. 6084, Mar. 27, 1933, 6 CFR 1.1 (12); sec. 80 (b), 48 Stat. 273, 12 U.S. C. 638 (b)) [FCA Order 250, January 30, 1939]"

[SEAL]

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F. F. HILL. Governor.

[F. R. Doc. 39-360; Filed, January 31, 1939; · 11:51 a. m.]

[FCA 121]

AUTHORITY, AND DESIGNATION OF ORDER of Precedence, of Deputy Governors, GENERAL COUNSEL, AND ASSISTANT TO THE GOVERNOR TO ACT AS GOVERNOR IN THE ABSENCE OF THE LATTER

JANUARY 30, 1939.

1. Sec. 3.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

"Sec. 3.1 Authority, and designation of order of precedence, of Deputy Governors, General Counsel, and Assistant to the Governor to act as Governor in the absence of the latter. Charles A. Stewart, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the accordance with the foregoing authority, 488 event that the Governor is unavailable or under which the United States has

to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"E. A. Stokdyk, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Stewart are both unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Rufus R. Clarke, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Stewart, and Deputy Governor Stokdyk are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Peyton R. Evans, General Counsel, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Stewart, Deputy Governor Stokdyk, and Deputy Governor Clarke are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Arthur T. Esgate, Assistant to the Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Stewart, Deputy Governor Stokdyk, Deputy Governor Clarke, and Peyton R. Evans, General Counsel, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause. (E. O. 6084, March 27, 1933, 6 CFR 1.1 (12)) [FCA Order No. 251, January 30, 1939]"

[SEAL]

F. F. HILL. Governor.

[F. R. Doc. 39-361; Filed, January 31, 1939; 11:51 a. m.]

TITLE 7—AGRICULTURE

SOIL CONSERVATION SERVICE

PART 601—PROGRAM UNDER TITLE III OF BANKHEAD-JONES FARM TENANT ACT

AMENDMENT OF SEC. 601.11 "ADMINISTRA-TION OF LAND CONSERVATION AND LAND UTILIZATION PROGRAM"

The paragraph first numbered "7" in Sec. 601.11 is hereby amended to read as follows:

7. Exercise all powers to revoke, terminate, or cancel contracts executed in-

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acquired, or may hereafter acquire, rights | juice, the product of the number of | or obligations by virtue of the acquisition of property in the administration of the Land Conservation and Land Utilization Program, which are exercisable either by the terms of the contracts themselves or by operation of law. (The Bankhead-Jones Farm Tenant Act approved July 22, 1937, 50 Stat. 522, U. S. C., title 7, Ch. 33) [Memo. 794, Sec. of Agri., Oct. 31, 1938, amending Memo. 756, May 19, 1938]

[SEAL]

H. A. WALLACE, Secretary.

JANUARY 28, 1939.

[F. R. Doc. 39-346; Filed, January 30, 1939; 1:54 p. m.]

SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN THE MAINLAND CANE SUGAR AREA

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

SEC. 802.21a Sugar commercially recoverable from sugarcane in the mainland cane sugar area. The amount of sugar commercially recoverable from the sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar shall be:

(a) For sugarcane in localities in which settlement for purchased cane is based on sucrose content of the normal juice, the product of the number of short tons of sugarcane multiplied by the number of hundredweights of sugar, raw value, applicable for the average percentage of sucrose in the normal juice of such sugarcane (computed to the nearest one-tenth of one percent), as set forth in the following table:

	Hundredweights of sugar, raw
Percentage of	value, commercially
sucrose in	recoverable per
normal juice	ton of sugarcane
•	0.456
	569
	906
	1.074
	1. 273
	1.450
	1. 607
	1. 767
	1.930
	2. 095
16.0	2. 262
17.0	2. 431
18.0	2.603
	2.776
	2.951

¹Sugar recoverable for the intervening tenths of 1 per cent shall be calculated by straight interpolation.

(b) For sugarcane in localities in based on sucrose content of the crusher 3185, January 18, 1939]

short tons of sugarcane multiplied by the number of hundredweights of sugar, raw value, applicable for the average percentage of sucrose in the crusher juice of such sugarcane (computed to the nearest one-tenth of one per cent), as set forth in the following table:

Hundredirelahts

	oj ougas, suu
ercentage of	value, commerci
sucrose in	recoverable per t
usher juice	of sugarcane
5.0	0.738
6.0	
7.0	1.033
8.0	1.181
9.0	1.328
	1.476
11.0	1.623
**	1.771
10.0	1.918
110	2.067
	2.214
	2.362
	2.593
100	2.657
10.0	2.604
20.0	2.951
~~.~	

¹Sugar recoverable for the intervening tenths of 1 per cent shall be calculated by straight interpolation.

(Sec. 302, 50 Stat. 910; 7 U. S. C., Sup. III, 1132)

Done at Washington, D. C., this 31st day of January 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 39-364; Filed, January 31, 1939; 12:19 p. m.]

TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 3185]

IN THE MATTER OF CAL-A-MO LABORATORIES

SEC. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of "Cal-A-Mo" pharmaceutical preparation, or any other preparation composed of similar ingredients, etc., that said "Cal-A-Mo" is a reducing preparation containing ingredients which will get rid of excess fat or that by use thereof user will be enabled to bathe off excess fat, etc., or that it dissolves fat, penetrates pores so as to cause loss of fat and reduction in weight, etc., or that it contains any ingredient which has therapeutic value or effect in reducing weight or which affects metabolism of fat, or representing in any like manner therapeutic or medicinal value of said preparation or benefits accruing from use thereof, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist which settlement for purchased cane is order, Cal-A-Mo Laboratories, Docket

Sec. 3.6 (y) Advertising falsely or misleadingly-Safety. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of "Cal-A-Mo" pharmaceutical preparation or any other preparation composed of similar ingredients, etc., that use of said "Cal-A-Mo" is harmless in all cases, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order, Cal-A-Mo Laboratories. Docket 3185, January 18, 1939]

SEC. 3.6 (a) (22) Advertising falsely or misleadingly—Business status, adrantages or connections of advertiser-Producer status of dealer-Laboratory: Sec. 3.96 (b) (5) Using misleading name— Vendor-Producer or laboratory status of dealer. Falsely representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of "Cal-A-Mo" pharmaceutical preparation or any other preparation composed of similar ingredients, etc., by use of word "Laboratories" or any other term of similar meaning or like import, etc., that respondent owns, operates or maintains a laboratory for manufacturing, testing or experimenting with said preparation. prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cal-A-Mo Laboratories, Docket 3185, January 18, 1939]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of January, A: D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

In the Matter of Guy J. Banta, an In-DIVIDUAL TRADING AND DOING BUSINESS Under the Name and Style of Cal-A-MO LABORATORIES

ORDER TO CEASE AND DESIST

This proceeding having been heard' by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Guy J. Banta, individually and trading and doing business under the name and style of Cal-A-Mo Laboratories, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a pharmaceutical preparation designated "Cal-A-Mo" or

¹3 F. R. 736 DL

or similar ingredients or having the same properties under whatever name sold, in interstate commerce or in the District of Columbia, do forthwith cease and desist

- (1) Representing that Cal-A-Mo is a reducing preparation containing ingredients which will get rid of excess fat or that by the use of Cal-A-Mo the user will be enabled to bathe off excess fat or float fat away;
- (2) Representing that Cal-A-Mo dissolves fat or that it penetrates the pores of the skin in such a manner as to cause loss of fat and reduction in weight, or that Cal-A-Mo contains any ingredient which has a medicinal or therapeutic value or effect in reducing weight or contains any ingredient which affects the metabolism of fat:
- (3) Representing that the use of Cal-A-Mo is harmless in all cases;
- (4) Representing, by the use of the word "Laboratories" or any other term of similar meaning or like import as a part of his trade name, or in any other manner, that he owns, operates or maintains a laboratory for the purpose of manufacturing, testing or experimenting with his said preparation Cal-A-Mo until and unless he actually owns and operates or directly and absolutely controls a laboratory for said purposes;
- (5) Making any other similar representations of like import or effect as to the therapeutic or medicinal value of said preparation Cal-A-Mo or the benefits accruing from the use thereof.

It is further ordered, That the respondent Guy J. Banta, an individual trading and doing business under the name and style of Cal-A-Mo Laboratories, shall within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order hereinabove set forth.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc 39-352; Filed, January 31, 1939; 10: 10 a. m.]

[Docket No. 3240]

IN THE MATTER OF NATIONAL SCIENTIFIC PRODUCTS COMPANY

SEC. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing directly, or in any manner, in connection with offer, etc., in interstate Commerce or in District of Columbia of "Prostories" medicinal preparation or any other preparation with substantially similar ingredients or therapeutic properties, that said preparation is remedy or cure, or

any other preparation composed of like | competent and effective treatment, for prostatitis or any other infections, diseases, or disorders of prostate gland; is stimulant for prostate gland; will restore, stimulate, or increase potency or sex power; or is remedy or cure, or competent and effective treatment, for impotency, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, National Scientific Products Company, Docket 3240, January 19, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

IN THE MATTER OF HARLAND L. HERB, AN INDIVIDUAL, TRADING AS NATIONAL SCIEN-TIFIC PRODUCTS COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Arthur F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed herein by Carrel F. Rhodes, counsel for the Commission, (respondent having waived the filing of brief and not having requested oral argument) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Harland L. Herb, individually and trading as National Scientific Products Company, or trading under any other name, his agents, representatives, and employees, directly or through any device, in connection with the offering for sale, sale and distribution in interstate commerce or in the District of Columbia of a medicinal preparation now known as "Prostories" or any other preparation containing substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under that name or any other name, do forthwith cease and desist from:

Representing directly, or in any manner, that said preparation

- (1) Is a remedy or cure, or a competent and effective treatment, for prostatitis or any other infections, diseases, or disorders of the prostate gland;
- (2) Is a stimulant for the prostate gland; '

- (3) Will restore, stimulate, or increase potency or sex power;
- (4) Is a remedy or cure, or a competent and effective treatment, for impotency.

It is further ordered, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this ordér.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 39-353; Filed, January 31, 1939; 10:10 a.m.]

[Docket No. 3253]

IN THE MATTER OF NATIONAL SALES & NOVELTY COMPANY

Sec. 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of radio receiving sets or any other merchandise, push or pull cards, punchboards, or other lottery devices, to enable persons supplied, to dispose of or sell such or similar products by use thereof, prohibited. (Sec. 5b, 52 Stat. 112, 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, National Sales & Novelty Company, Docket 3253, January 17, 19391

SEC. 3.99 (b) Using or selling lottery devices-In merchandising. Mailing, etc., in connection with offer, etc., in interstate commerce or in District of Columbia. of radio receiving sets or any other merchandise, to respondent's agents and to distributors or to members of the public push or pull cards, punchboards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute such or similar products by use thereof, prohibited. (Sec. 5b, 52 Stat. 112, 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, National Sales & Novelty Company, Docket 3253, January 17, 19391

Sec. 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in interstate commerce or in District of Columbia, of radio receiving sets, or any other merchandise, such or similar products by use of push or pull cards, punchboards, or other lottery devices, prohibited. (Sec. 5b, 52 Stat. 112, 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, National Sales & Novelty Company, Docket 3253, January 17, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of January, A. D. 1939.

¹3 F. R. 1095 DI.

Commissioners: Robert E. Freer. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

IN THE MATTER OF J. A. SCHWARTZ, IN-DIVIDUALLY, AND TRADING AS NATIONAL Sales & Novelty Company

ORDER TO CEASE AND DESIST

This proceeding having been heard1 by the Federal Trade Commission upon the complaint of the Commission, (respondent having filed no answer) testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission. (counsel for respondent having filed no brief and not having requested oral argument); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, J. A. Schwartz, individually, and trading as National Sales & Novelty Company, or under any other trade name, his representatives, agents and employees, in connection with the offering for sale, sale and distribution of radio receiving sets, or any other merchandise, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

- (1) Supplying to or placing in the hands of others push or pull cards, punchboards, or other lottery devices for the purpose of enabling such persons to dispose of or sell such or similar products by the use thereof;
- (2) Mailing, shipping, or transporting to his agents and to distributors or to members of the public push or pull cards. punchboards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute such or similar products by the use thereof;
- (3) Selling or otherwise disposing of such or similar products by the use of push or pull cards, punchboards, or other lottery devices.

It is further ordered, That within sixty (60) days from the date of the service of this order upon said respondent, he shall file with the Commission a report in writing, setting forth in detail the manner and form in which this order has been complied with.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-354; Filed, January 31, 1939; 10:10 a. m.]

¹3 F. R. 978 DI.

TITLE 29-LABOR

CHAPTER V-WAGE AND HOUR DIVISION

PART 524-REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR table organizations. LABOR STANDARDS ACT

The following amendment to Regulations-Part 524-(Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act of 1938) is hereby issued. Said amendment to Part 524 amends Section 524.90 by extending the period of temporary certificate of exemption provided therein from February 1, 1939, to February 16, 1939. Said amendment shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REG-ISTER and shall be in force and effect until repeal by regulations hereafter made and published by me.

Signed at Washington, D. C., this 31st day of January, 1939.

> ELLIER F. ANDREWS. Administrator.

Section 524.90 Temporary certificate of exemption during period before normal procedure is in full operation. From October 24, 1938, to February 16, 1939, this regulation shall be deemed to be a certificate authorizing employers to continue in their employ handicapped workers at wage rates less than the minimum rates applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) The earning capacity of the employee for the particular position held by him must be, or must honestly be believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury.

(b) Such handicapped worker must have been employed by the employer on or before October 17, 1938, at a rate less than the normal minimum rate prescribed in Section 6 of the Act.

(c) If the employer had in his employ on October 17 any non-handicapped employed at that date at a rate less than the rate paid to such non-handicapped workers.

(d) In no event shall the wage paid to the handicapped employee during this period of temporary exemption be at a rate less than 75 percent of the normal minimum rate applicable under Section 6 of the Act.

(e) For the purposes of this regulation no alleged handicapped worker shall be temporarily exempted if, prior to October 17, 1938, more than 5 percent of the

¹3 F. R. 2508 DI.

workers were employed by the employer to perform similar work at the same rate of pay as that received by such alleged handicapped worker; provided, that this limitation shall not apply in the case of employment by nonprofit or semichari-

(f) The temporary exemption herein provided shall terminate on December 1, 1938, as to any particular employee claimed to be handicapped, unless prior to that date the Administrator shall have received an application for exemption as prescribed in Part 524, Title 29, Chapter V, Regulations Applicable to Handicapped Persons. If a special certificate is issued on the basis of such application. it will supersede the temporary certificate provided by this Section. If any such application is denied, prior to February 16, 1939, the temporary exemption, as to the named employee, will become inoperative immediately upon notice to the employer of such denial.*

[F. R. Doc. 39-369; Filed, January 31, 1939; 12:36 p. m.]

TITLE 36—PARKS AND FORESTS

FOREST SERVICE

[Administrative Order]

Ojo de San Jose Grant, New Mexico

TRANSFER OF LANDS IN THE STATE OF NEW MENICO FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE FOR AD-MINISTRATION, PROTECTION AND MANAGE-

By virtue of and pursuant to the authority vested in me by Title III of the Banlihead-Jones Farm Tenant Act. approved July 22, 1937 (50 Stat. 522, 525) and Executive Order No. 7908, dated June 9, 1938,2 all lands within the Oio de San Jose Grant, located in Sandoval County, New Mexico, that hitherto have been acquired or are in the process of acquisition by the United States in connection with the Jemez Project, LI-NM-9, under authority of section 55 of Title worker or workers similarly employed, I of the Act of August 24, 1935 (49 Stat. the handicapped worker must have been 750, 781), are hereby transferred from the Soil Conservation Service to the Forest Service for protection, management and administration, as provided by Administrative Order of July 15, 1938 (3 F. R. 1755 DI).

[SEAL]

H. A. WALLACE. Secretary.

JANUARY 30, 1939.

[F. R. Doc. 39-350; Filed, January 39, 1939; 3:38 p. m.]

[•] This Section 524.90, as amended January 13, 1939, insued under the authority con-tained in Section 14, 52 Stat. 1060. 13 F.R. 1389 DI.

[Administrative Order]

RAMON VIGIL GRANT, NEW MEXICO

TRANSFER OF LANDS IN THE STATE OF NEW MEXICO FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE FOR AD-MINISTRATION, PROTECTION AND MANAGE-

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant. Act, approved July 22, 1937 (50 Stat. 522, 525), and Executive Order No. 7908, dated June 9, 1938, all lands within the Ramon Vigil Grant, located in Sandoval and Santa Fe Counties, New Mexico, that hitherto have been acquired or are in the process of acquisition by the United States in connection with the Tewa Basin Land Project, LI-NM-12, under the provisions of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 200), except the Indian Sacred Area of approximately 5,800 acres in Townships 19 North, Ranges 6 and 7 East, New Mexico Principal Meridian, unapproved General Land Office Survey No. 406, New Mexico, are hereby transferred from the Soil Conservation Service to the Forest Service for protection, management and administration, as provided by Administrative Order of July 15, 1938 (3 F. R. 1755 DI).

[SEAL]

H. A. WALLACE, Secretary.

January 30, 1939.

[F. R. Doc. 39-351; Filed, January 30, 1939; 3:38 p. m.]

TITLE 41—PUBLIC CONTRACTS DIVISION OF PUBLIC CONTRACTS

In the Matter of the Determination of THE PREVAILING MINIMUM WAGES IN THE MANUFACTURE OF BOBBINETS

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S. C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on October 5, 1938 in the aboveentitled matter, to afford an opportunity to interested parties to show cause why the minimum wage for the manufacture of certain fabricated textile products, including bobbinets, should not be 37.5 cents an hour or \$15.00 per week of 40 hours. Inasmuch as the evidence indicates that the manufacture of bobbinets is an industry separate and distinct from the others mentioned in the notice, it has been decided to issue this separate determination therefor.

Notice of the hearing was sent to all known members of the industry, to trade

unions, to trade publications, and to trade associations in the field. Invitation to Board, and in the light of the facts of attend the hearing was extended through record the national press to all other interested parties.

Testimony was given at the hearing by three members of the industry, and by a representative of the Amalgamated Lace Operatives of America. The evidence indicates that there were only 5 companies manufacturing bobbinets in the United States. Two are located in New York and one each in Pennsylvania, New Jersey, and Rhode Island. The total employment appears to be something less than 700 employees. One company indicated that it employed 56 workers; that it was paying 25 cents an hour to learners: that the next lowest wage was paid to 6 employees in a single occupational group who received from 35 to 40 cents an hour. Another company employing 71 employees paid a minimum of 371/2 cents an hour to its productive workers. A third company employing 98 workers supplied wage information which indicated that 18 workers in one low wage occupational In the Matter of the Determination of group received from 321/2 cents to 43 cents per hour; that an additional 10 workers in another low wage occupational group received from 35 to 40 cents an hour; and that 5 more employees in a third low wage occupational group received from 35 to 45 cents an hour. A fourth company with 169 employees has 47 employees in one low wage group who receive from 321/2 to 35 cents an hour, and it has 33 additional employees in another low wage group who receive from 321/2 to 50 cents an hour. This company does not manufacture the type of bobbinet that has heretofore been the subject of Government purchases. A fifth company is reported to employ 260 employees. Eight of its employees are reported to be in a low wage occupational group which receives from 32 to 35 cents an hour. With the exception of this one low wage occupational group, all other occupational groups have employees in them who earn 371/2 cents an hour or more. In some occupational groups, however, there are hourly wages shown which are as low as 32½ cents an hour, but, with the exception of the one occupational group of 8 employees that has been referred to, even learners when they are classified as such on the records of the company are shown to have a capacity to earn in their learning period as much as 371/2 cents an hour and more.

In the light of the evidence of record, the Board has recommended that the prevailing minimum wages for employees engaged in the manufacture of bobbinets on contracts subject to the provisions of the Public Contracts Act for the manufacture or supply of such commodity shall be found to be 371/2 cents an hour, or \$15.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

I have examined the findings of the

I hereby determine-

The minimum wages for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of bobbinets to be 371/2 cents an hour or \$15.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

This determination shall be effective, and the minimum wage hereby established shall apply to all such contracts bids for which are solicited on or after February 13, 1939.

[SEAL]

FRANCES PERKINS, Secretary.

Dated January 28, 1939.

[F. R. Doc. 39-371; Flied, January 31, 1939; 12:46 p. m.]

THE PREVAILING MINIMUM WAGES IN THE IRON AND STEEL INDUSTRY

POSTPONEMENT OF EFFECTIVE DATE OF SEC-RETARY OF LABOR'S DECISION IN THE IRON AND STEEL INDUSTRY

The effective date of my decision in tha above-entitled matter is hereby postponed until March 1, 1939 in order that industry may make necessary adjustments to comply with the decision.

[SEAL]

C. V. McLaughlin, Acting Secretary of Labor.

Dated, January 30, 1939.

[F. R. Doc. 39-370; Filed, January 31, 1939; 12:46 p. m.]

TITLE 49-TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Order No. 24049]

A. JOHNSTON, GRAND CHIEF ENGINEER OF THE BROTHERHOOD OF LOCOMOTIVE EN-GINEERS, ET AL. v. THE ATCHISON, To-PEKA & SANTA FE RAILWAY COMPANY, ET AL.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of January, A. D. 1939.

Upon further consideration of the record in the above-entitled proceeding and upon information from the Chief Counsel that the United States District Court for the Northern District of Ohio has not yet decided the suit to set aside the Commission's order of December 27, 1937,2 herein, and upon the Chief Coun-

¹3 F. R. 1389 DI.

¹4 F.R. 265 DI. ²3 F.R. 2908 DI.

sel's recommendation that the effective date of said order be further postponed to afford time for such decision;

It is ordered, That the effective date of said order be, and it is hereby, postponed from February 1, 1939, to March 1, 1939.

It is further ordered, That said order of December 27, 1937, shall in all other respects remain in full force and effect.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 39-358; Filed, January 31, 1939; 11:14 a, m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commis-

[Docket No. 476-FD]

In the Matter of the Application of the RAILWAY FUEL COMPANY FOR EXEMP-TION OF ITS TRANSACTIONS IN COAL Under Section 4-A of the Bituminous COAL ACT OF 1937

NOTICE AND ORDER FOR HEARING

The above named applicant having filed with the Commission an application for exemption under the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 alleging that it is entitled to exemption from the provisions of Section 4 and the first paragraph of Section 4-A because its transactions in coal do not directly affect interstate commerce in coal.

Now, therefore, It is hereby ordered:

That beginning on the 21st day of February, 1939, at 10 o'clock a.m., at the Hearing Room of the Commission in the Walker Building, Washington, D. C., a hearing on the above application be held before an Examiner of this Commission to be designated and appointed to take testimony, to receive evidence in this proceeding, and to perform all other In the Matter of the Application of duties authorized by law.

The Secretary of the Commission is directed forthwith to mail a copy of this notice to the applicant or its attorney of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of filed with the Commission an application the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the Federal Register.

By order of the Commission.

Dated at Washington, D. C., this 30th day of January 1939.

[SEAL] F. WITCHER MCCULLOUGH. Secretary.

[F. R. Doc. 39-365; Filed, January 31, 1939; 12:22 p. m.]

[Docket No. 598-FD]

IN THE MATTER OF THE APPLICATION OF KEYSTONE MINING COMPANY FOR DE-TERMINATION OF THE STATUS OF ITS COAL UNDER THE SECOND PARAGRAPH OF SEC-TION 4-A OF THE ACT

ORDER AND NOTICE FOR HEARING

The above named applicant having filed with the Commission, an application for determination of the status of its coal, under the second paragraph of Section 4-A, alleging that it is exempt from Section 4 and the first paragraph of Section 4-A because of the provisions of Section 4 II (1) and because its transactions in coal do not directly affect interstate commerce in coal,

Now, therefore, It is hereby ordered:

- 1. That, beginning on the 17th day of February, 1939, at 10:00 o'clock a. m., at the Hearing Room of the Commission, 734 15th Street, NW., Washington, D. C., a hearing on the above application be held before an Examiner of this Commission, to be designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law.
- 2. The Secretary of the Commission is directed forthwith to mail a copy of this Notice to the applicant, or its attorney of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated at Washington, D. C., this 30th day of January 1939.

[SEAL] F. WITCHER MCCULLOUGH, Sccretary.

[F. R. Doc. 39-366; Filed, January 31, 1939; 12:22 p. m.]

[Docket No. 599-FD]

CLEARFIELD BITUMINOUS COAL CORPORA-TION FOR DETERMINATION OF THE STATUS OF ITS COAL UNDER THE SECOND PARA-GRAPH OF SECTION 4-A

ORDER AND NOTICE FOR HEARING

The above named applicant having lished in the Federal Register. for determination of the status of its coal under the Second Paragraph of Section 4-A, alleging that it is exempt from Section 4 and the First Paragraph of Section 4-A because of the provisions of Section 4 II (1) and because its transactions in coal do not directly affect interstate commerce in coal and alleging that it is exempt from the price provisions of Section 4 because of the provisions of Section 4 II (e) of the Act,

Now, therefore, It is hereby ordered:

- 1. That, beginning on the 23rd day of February, 1939, at 10:00 o'clock a. m., at the Hearing Room of the Commission, 734 15th Street NW., Washington, D. C., a hearing on the above application be held before an Examiner of this Commission, to be designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law.
- 2. The Secretary of the Commission is directed forthwith to mail a copy of this Notice to the applicant, or its attorney of record, to the Consumers' Counsel, to the Secretary of each District Board, and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission, and shall cause a copy hereof to be published in the Federal Register.

By order of the Commission. Dated this 30th day of January 1939.

[SEAL] F. WITCHER McCullough. Secretary.

[F. R. Doc. 39-367; Filed, January 31, 1939; 12:22 p. m.]

[Docket No. 603-FD]

IN THE MATTER OF THE APPLICATION OF Arkansas-Oklahoma Smokeless Coals, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE AND ORDER FOR HEARING

The applicant above-named, having on the 23rd day of January, 1939, filed its amended application for provisional approval as a marketing agency. Notice is hereby given that the above-entitled matter is assigned for hearing before an Examiner of the Commission, on the Twentieth day of February, 1939, at ten o'clock, A. M. at the hearing room of the Commission, 734 15th St., N. W., Washington, D. C., at which time and place interested parties will be afforded an opportunity to be heard.

The Secretary of the Commission is forthwith directed to mail a copy of this Notice of Hearing to the applicant above named, to the Secretary of each District Board, and to the Consumers' Counsel, and shall cause a copy to be pub-

A copy of the aforesaid application is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

By order of the Commission.

Dated at Washington, D. C., this 30th day of January 1939.

[SEAL] F. WITCHER McCullough, Secretary.

[F. R. Doc. 39-368; Filed, January 31, 1939; 12:22 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

- [Docket No. A-88 O-88]

Notice of Hearing With Respect to Pro-POSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF FRESH CAB-BAGE GROWN IN MOBILE, ESCAMBIA, AND D. C. BALDWIN COUNTIES IN THE STATE OF ALABAMA

Whereas, under Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of fresh cabbage grown in Mobile, Escambia, and Baldwin Counties in the State of Alabama as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce:

Now, therefore, pursuant to the said act and the said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of fresh cabbage grown in Mobile, Escambia, and Baldwin Counties in the State of Alabama, at the United States Customs Building, Mobile, Alabama, on February 17, 1939, at 9:30 a.m., c. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to is hereby given of a hearing to be held the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid fresh cabbage as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of an Administrative Committee consisting of five members, three of whom shall repre-. sent producers and two of whom shall represent handlers; (b) regulation of shipments by grade or size, or both; (c) inspection of shipments by a duly authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) levying of assessments by the Administrative Com-

mittee to cover expenses of administra- posed marketing agreement and order tion; and (e) reports to the Administra- provide for: (a) the establishment of an tive Committee by handlers.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from Room 0316, South Building, United States Department of Agriculture, Washington,

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

Dated, January 31, 1939.

[F. R. Doc. 39-362; Filed, January 31, 1939; 12:19 p. m.]

[Docket No. A-89 0-89]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF FRESH CABBAGE GROWN IN THE STATE OF MIS-

Whereas, under Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of fresh cabbage 1060) prohibits the shipment or delivery grown in the State of Mississippi as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce:

Now, therefore, pursuant to the said act and said general regulations, notice on a proposed marketing agreement and a proposed order regulating such handling of fresh cabbage grown in the State of Mississippi, at the Crystal Springs School House, Crystal Springs, Mississippi, at 9:30 a. m., c. s. t., February 20, 1939.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid fresh cabbage as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce. Among other matters relating to such regulation, the pro-

Administrative Committee consisting of nine members, five of whom shall represent producers and four of whom shall represent handlers; (b) regulation of shipments by grade or size, or both; (c) inspection of shipments by a duly authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) levying of assessments by the Administrative Committee to cover expenses of administration; and (e) reports to the Administrative Committee by handlers.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from Room 0316, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

Dated, January 31, 1939.

[F. R. Doc. 39-363; Filed, January 31, 1939; 12:19 p. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING ON PROPOSED REGULA-TION RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE UNDER THE FAIR LABOR STANDARDS ACT OF 1938

JANUARY 31, 1939.

Whereas, section 12 (a) of the Fair Labor Standards Act of 1938 (52 Stat. for shipment of goods in commerce (as defined in the Act) which are produced in establishments situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas, section 3 (1) of the said Act. which defines oppressive child labor, authorizes the Chief of the Children's Bureau to

provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

Whereas, pursuant to the authority contained in the said section 3 (1) the Chief of the Children's Bureau on October 21, 1938,1 issued a temporary regulation effective until January 23, 1939, relating to the employment of minors between 14 and 16 years of age under the said Fair Labor Standards Act and on November 3, 1938,2 issued a regulation

¹1 F. R. 155.

¹1 F. R. 155.

¹³ F.R. 2532 DI. 23 F. R. 2627 DI.

October 21, 1938; and

Whereas, the said temporary regulation as amended has been extended for a period of ninety days until April 24, 1939, by regulation issued January 10, 1939; and

Whereas, the Chief of the Children's Bureau proposes to issue a permanent regulation for the employment of minors between 14 and 16 years of age pursuant to the authority conferred by section 3 (1) of the said Act,

Now, therefore, notice is hereby given of a public hearing to be held on February 15, 1939, commencing at 10 o'clock a. m. in Hearing Room B, United States Departmental Auditorium, Constitution Avenue between Thirteenth and Fourteenth Streets, Washington, D. C., before a presiding officer to be designated hereafter, at which interested parties will be given opportunity to appear and be heard with respect to the said proposed regulation.

[Proposed Regulation No. 3]

CHILD LABOR

Part 441. Employment of Minors Between 14 and 16 Years of Age*

Sec. 441.1 Occupations.-This regulation shall apply to all occupations OTHER THAN the following:

- (a) Manufacturing or mining occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are produced.
- (b) The operation of motor vehicles, service as helpers on such vehicles.
 - (c) Messenger service.

In all occupations covered by this regulation the employment of minors between 14 and 16 years of age, or the permitting or suffering of such minors to work, for the periods and under the conditions hereafter specified shall not be deemed to be oppressive child labor.

Sec. 441.2 Periods and conditions of employment .-

- (a) Hours.—The employment of minors in accordance with section 441.1 hereof shall be confined to the following periods:
 - (1) Outside school hours.
- (2) Not more than 3 hours on any school day.
- (3) Not more than 8 hours on any other day.
- (4) Not more than 40 hours in any one week.
- (5) Between 6 a. m. and 7 p. m. in any one day.
- (b) Compliance with State laws and regulations and local ordinances.-No minor may be employed in accordance with section 441.1 hereof unless his employment shall be in conformity with all applicable State laws and regulations

amending the temporary regulation of and local ordinances relating to the em- | Scott. Claude L. Draper, not participatployment of such minor, including com- ing. pliance with the provisions of any State law or regulation or local ordinance applicable thereto requiring for work in such occupations an employment certificate, permit, badge, or license showing that the minor is 14 years of age or

> (c) Certificates of age, effect.—The employment of any minor which is otherwise in accordance with the provisions of this regulation shall not be deemed to constitute oppressive child labor under the Act if his employer shall have on file an unexpired certificate of age showing that the minor is 14 years of age or over issued in the same manner as that provided for the issuance of certificates in Child Labor Regulations Nos. 1, 1-A, and 1-B, issued by the Chief of the Children's Bureau, two on October 14, 1938, and the third on January 19, 1939.

> Sec. 441.3 Effect on other laws.—No provision of this regulation shall under any circumstances justify or be construed to permit noncompliance with the wage-and-hour provisions of the Act or with the provisions of any other Federal law, or of any State law or municipal ordinance establishing higher standards than those established under this regulation.

> Sec. 441.4 Effective period of regulation.—This regulation shall be in force and effect from April 24, 1939, until amended or repealed by regulations hereafter made by the Chief of the Bureau.

Sec. 441.5 Revision of regulation .-Any person wishing a revision of any of the terms of this regulation may submit in writing to the Chief of the Bureau a petition setting forth the changes desired and the reasons for proposing 41), them. If, after consideration of the petition, the Chief of the Bureau believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to be heard.

[SEAL] KATHARINE F. LENROOT, Chief.

[F. R. Doc. 39-372; Filed, January 31, 1939; 12:56 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. DI-145]

IN THE MATTER OF COPPER DISTRICT POWER COMPANY

ORDER POSTPONING HEARING

JANUARY 30, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Basil Manly, John W.

43 F. R. 2487, 2531 DI, 4 F. R. 402 DI.

Upon its own motion the Commission orders that:

The public hearing in the above cause now set for February 2, 1939, be and the same is hereby postponed to February 3. 1939, at the same time and place.

By the Commission.

[SEAL] LEON M. FUQUAY. Secretary.

[F. R. Doc. 39-355; Filed, January 31, 1939; 10:23 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D., 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

[Docket No. 3452]

In the Matter of Ray Rennison and MARTHA A. REHMISON, INDIVIDUALLY, AND DOING BUSINESS UNDER THE NAME AND STYLE OF RAYSON SERVICE BUREAU

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S. C. A., Section

It is ordered. That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered. That the taking of testimony in this proceeding begin on Friday, February 17, 1939, at ten o'clock in the forencon of that day (central standard time) in room 1123 New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 39-347; Filed, January 30, 1939; 3:19 p. m.]

²⁴ F.R. 194 DI.

C* Issued pursuant to the authority con-ferred by section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060)

¹⁴ F. R. 257 DL

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayers.

[Docket No. 3562]

IN THE MATTER OF TRAFFIC INSPECTORS TRAINING CORPORATION: AND FRED J. KAVANAGH, PRESIDENT, CHARLES VAN BUREN, AS SECRETARY AND TREASURER OF TRAFFIC INSPECTORS TRAINING CORPORA-TION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S. C.A., Section 41).

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 1, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 328, New Post Office Building, Syracuse, New York.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

(F. R. Doc. 39-348; Filed, January 30, 1939; 3:19 p. m.]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3613]

IN THE MATTER OF SUPER FRANKLIN COM-PANY, GLEN TATE, PRESIDENT, AND M. L. HOLLAND, SECRETARY-TREASURER, SU-PER FRANKLIN COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority-vested in the Federal hearing from time to time.

Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S. C. A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 16, 1939, at ten o'clock in the forenoon of that day (central standard time), in room 1123 New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTTS B. JOHNSON, Secretary.

[F. R. Doc. 39-349; Filed, January 30, 1939; 3:19 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1939.

[File No. 32-128]

IN THE MATTER OF NEW YORK STATE ELEC-TRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed party;

It is ordered, That a hearing on such matter be held on February 17, 1939, at 10:00 o'clock in the forencon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearingroom clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect to any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. 'The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 11th. 1939.

The matter concerned herewith is in regard to an application by New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, pursuant to section 6 (b) for exemption from the provisions of section 6 (a) of the issue and sale of its note in the principal amount of \$500,000 bearing interest at the rate of 2.73% to Rural Electrification Administration. The note, to be secured by the pledge of applicant's First Mortgage Bonds, 4% Series due 1965 in an aggregate principal amount of not in excess of \$600,000, is to be dated as of the date of issue thereof, and is to mature in thirty-nine installments of which the first installment will be \$12,821.00 and the remaining installments \$12,-820.50 each. The first installment is to be payable one year from date and the remaining installments on each semiannual interest payment date to maturity. It is stated that the New York State Public Service Commission, by order dated January 18, 1939 authorized the issuance and sale by the applicant of said Note and the issuance of said First Mortgage Bonds, 4% Series due 1965, to be pledged as collateral security therefor.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-357; Filed, January 31, 1939; 11:14 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its offices in the City of Washington, D. C., on the 30th day of January, A. D. 1939.

[File 54-10]

IN THE MATTER OF THE NORTH AMERICAN COMPANY. NORTH AMERICAN EDISON COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ALTERATION OF RIGHTS OF OUTSTANDING SECURITIES

The North American Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the alteration of certain rights of its outstanding 6% cumulative Practice to continue or postpone said preferred stock, par value \$50.00 per share, and its common stock:

After appropriate notice,1 a public hearing having been held on said declato a related application and a related declaration, and the Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That the declaration with respect to the alterations of the preferred stock and said common stock be and become effective forthwith;

It is further ordered, That this order be subject to the following terms and conditions:

- (1) That all matters in connection with said declaration shall be performed against said "Reserve for Contingencies ration, and being continued with respect in all respects as set forth in, and for provided from Capital Surplus" unless the purposes represented by, said decla-
- (2) That so long as declarant has outstanding any serial preferred stock, as described in the proposed amendment to its articles of incorporation, declarant shall create no reserve of the nature rerights of the outstanding 6% cumulative ferred to in Article Fourth (e) thereof (other than that already existing and described in the declaration as "Reserve for Contingencies provided from Capital Surplus") otherwise than out of earned surplus, without the express approval of this Commission;
- (3) That no charge shall be made in accordance with this Commission's Classification of Accounts for Holding Companies and good accounting practice, and after thirty days' notice to this Commission that declarant proposes to make such charge; and
 - (4) That the Commission reserves jurisdiction with respect to all other matters in the above captioned proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-356; Filed, January 31, 1939; 11:14 a. m.]

¹4 F. R. 190 DI.

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